

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

REMARKS

The Office Action mailed June 26, 2008, has been carefully reviewed and, by this Amendment, Applicants have canceled claims 2, 3 and 9, amended claims 1, 4, 15, 19 and 20, and added claim 21. Claims 1, 4-8 and 10-21 are pending in the application. Claims 1, 10 and 21 are independent.

The Examiner objected to the drawings as containing a reference character not mentioned in the description. With this Amendment, Applicants have amended the description to refer to reference numeral "25". Accordingly, withdrawal of the drawing objection is requested.

The Examiner rejected claims 1, 2, 4, 6, 7 and 9 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,714,225 to Hansen et al. ("Hansen"), and rejected claims 3, 5, 8 and 10-20 under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of U.S. Patent No. 5,486,158 to Samuelsen.

Claim 1 has been amended herein to incorporate the limitations of claims 2 and 3, now canceled. As such, claim 1 provides an adhesive patch for adhering to the skin to cover a portion of the anatomical surface of a living being. The patch includes a central first area that is bounded by an outer border, and a second area that surrounds the first area and is separated or

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

distinguishable therefrom by the outer border of the first area. A third area adjacent the rim of the patch has an inner border that surrounds the second area and is separated or distinguishable from the second area by this inner border. The resulting generally annular third area is covered by a pattern of curvilinear indentations, and the *central area is provided with a pattern of curvilinear indentations that includes radial indentations*. This is not shown by the prior art.

Hansen discloses a skin plate product made of a plurality of material units 1, 2. As acknowledged by the Examiner, Hansen does not disclose a central area of the skin plate product having radial indentations. Accordingly, the Examiner has cited Samuelsen as disclosing radial indentations in the central area.

Respectfully, Samuelsen does not disclose or suggest a central area having radial indentations. On the contrary, Samuelsen discloses a generally circular dressing, the central part 4 of which has a *substantially uniform* thickness (see column 2, lines 55-57). The only radial indentations or grooves 2 shown by Samuelsen are those shown in Figure 4 which are clearly *not* in the central area 4.

Further, and contrary to the Examiner's statement, it would not have been obvious, in view of Samuelsen, to provide the

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

central area of Hansen with radial indentations. Samuelsen is directed at providing a dressing with a high moisture absorbing capacity and good flexibility (see the Abstract; column 1, lines 31-34). The flexibility is provided by the grooves 2, 3 positioned around and outside of the central part 4. The high moisture absorbing capacity, on the other hand, is needed in the center of the dressing, i.e., in the central part 4, under which the wound is to be positioned. And Samuelsen explicitly teaches that the "central part 4 has a *uniform maximum thickness*" (emphasis added) (column 2, lines 54-56). Hence, the person of ordinary skill in the art, when reviewing Hansen and Samuelsen would, at most, think to modify Hansen to include radially directed indentations in the *edge portions* of the dressing, although even this is unlikely since Hansen is directed to an entirely different problem than that being addressed in Samuelsen. In any event, there is nothing in either Hansen or Samuelsen to suggest including *radial indentations in the central part* of Hansen. Accordingly, claim 1 is patentable over the prior art.

New claim 21 corresponds with claim 5 written in independent form to include the limitations of claim 1. As such, claim 21 provides an adhesive patch for adhering to the skin to cover a portion of the anatomical surface of a living being. The

patch includes a central first area that is bounded by an outer border, and a second area that surrounds the first area and is separated or distinguishable therefrom by the outer border of the first area. A third area adjacent the rim of the patch has an inner border that surrounds the second area and is separated or distinguishable from the second area by this inner border. The resulting generally annular third area is covered by a pattern of curvilinear indentations that includes *two or more series of curvilinear indentations intersecting with and crossing each other*. This is not shown or suggested by the prior art.

As with the radial indentations in the central part of the dressing just discussed in connection with claim 1, the Examiner acknowledged that Hansen does not disclose intersecting indentations as claimed for the outermost third area of the claimed invention. However, Samuelsen, relied upon by the Examiner for this teaching, also fails to disclose this structure.

In Samuelsen, curvilinear grooves 3 are arranged concentrically around the central part 4. In the embodiment shown in Figure 4, radial grooves 2 are shown to extend between two adjacent concentric grooves 3. However, radial grooves 2 do not represent *a series of curvilinear indentations*. Rather, radial grooves 2 are linear, with nothing in Samuelsen to suggest anything

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

else. Furthermore, the radial grooves 2 do not cross the curvilinear grooves 3, but merely come into abutment with two of them. Therefore, Samuelsen does not teach or suggest *at least two series of curvilinear indentations intersecting with and crossing each other*. Accordingly, claim 21 is patentable over the prior art.

Finally, claim 10 sets forth a wound dressing comprising an adhesive patch having a backing layer and a layer of a skin-friendly adhesive for adhering to the skin. The patch has a central area and an edge area surrounding the central area and *extending to the rim of the dressing*. The central and edge areas are respectively provided with indentations having different patterns, with the indentations in the edge area being in the form of a pattern of curvilinear indentations that *extends to the rim*. This structure is not shown or obvious from the prior art.

In rejecting claim 10, the Examiner stated that Applicants have not provided any criticality to the inclusion of different patterns in the central and edge areas, and that the different patterns do not solve a specifically stated problem or provide an unforeseen advantage. Applicants request reconsideration of this statement.

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

As discussed in the specification on page 5, lines 19-25, when applying a bandage to a joint that is frequently bent, flexibility is very important to enable the dressing to adapt to the contour of the skin without being loosened. Indentations may be included to provide flexibility but, if these indentations meet the border of the bandage at 90° or 180°, the bandage is more likely to be loosened by perpendicular forces. To overcome this problem, the present invention discloses a pattern of curvilinear indentations in which the lines do not form angles with the border of 90° degrees or 180° degrees (page 7, lines 11-20). This claimed curvilinear pattern, particularly when formed of two or more series of curvilinear indentations that intersect and cross one another, provides a very high degree of flexibility in the border area (see page 8, lines 10-16).

In the central part of the bandage, on the other hand, radial indentations provide a stiffening or enforcing effect which protects the wound. When combined with a set of indentations that encircle the central part, a desired degree of flexibility is produced in the central part to counteract the enforcing effect of the radial indentations (see page 8, lines 4-8).

Clearly, Applicants have disclosed criticality to the claimed patterns and to the use of two different patterns in the

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

central and edge areas, respectively. Neither Hansen nor Samuelsen suggest different indentation patterns in central and edge areas. In fact, neither Hansen nor Samuelsen discloses an indentation pattern in the central area, at all.

Furthermore, neither Hansen nor Samuelsen disclose a pattern of curvilinear indentations in the outer edge area that *extends to the rim of the bandage*. The Examiner stated that "the radial indentation in the third (area) would obviously be able to intersect the rim of the patch and make an angle of less than 90 degrees, which also would extend the pattern to the rim of the patch." Since the only radial elements present in the combination of Hansen and Samuelsen are the grooves 2 of Samuelsen, Applicants presume the Examiner is stating that because the grooves 2 could, if Samuelsen were redesigned, be physically extended to the outer rim of the Samuelsen bandage, these grooves meet the claimed limitation. With all due respect, such a modification is not suggested by Samuelsen.

Samuelsen discloses grooves 2 as only extending between two adjacent concentric grooves 3 in the mid-area of the bandage. The outermost of these adjacent grooves is separated from the edge of the bandage by an ungrooved annular area. The grooves or ditches 2, 3 are formed to provide flexibility. However, since the

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

bandage of Samuelsen is also intended to provide high moisture absorbing capacity, the skilled person would not be motivated to extend the ditches to the outer rim of the bandage as doing so would provide a channel through which wound exudate could leak. Hence, the Examiner's statement regarding the physical possibility of extending the ditches to the bandage rim does not take into account the disclosure of Samuelsen which would, in actuality, lead the skilled person away from the Examiner's suggested modification. For at least the foregoing reasons, claim 10 is also patentable over the prior art.

Claims 4-8 and 11-20 are in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

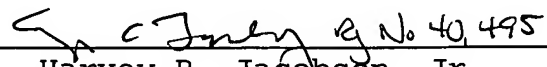
The amendments set forth herein do not present combinations of claim limitations not already considered by the Examiner. Therefore, no new issues are raised. Furthermore, the total number of independent claims remains the same, and the total number of pending claims has been reduced. Finally, because the claim amendments place the application into condition for allowance, the amendments are proper after final action. Entry thereof and allowance of the application is therefore requested.

Serial No.: 10/550,735
Atty. Docket No.: P70823US0

Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By  No. 40,495
for Harvey B. Jacobson, Jr.
Reg. No. 20,851

400 Seventh Street, N.W.
Washington, D.C. 20004-2201
Telephone: (202) 638-6666
Date: September 25, 2008
HBJ:SCB
R:\SBAILEY\2008\09-08\P70823US.amd